

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:05-cr-00055

MILLARD MICHAEL ADKINS  
and GARY MICHAEL LUCAS,

Defendants.

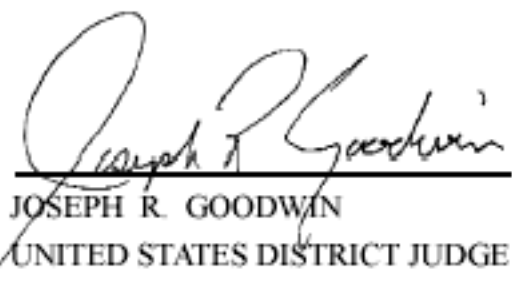
**MEMORANDUM OPINION AND ORDER**

On April 18, 2005, the court held a pretrial motions hearing in this matter. Defendant Millard Michael Adkins, having previously waived his right to be present, was represented at the hearing by counsel, David O. Schles. Defendant Gary Michael Lucas appeared in person and by his counsel, Andrew J. Katz. The United States was represented at the hearing by R. Gregory McVey, AUSA.

At the hearing, the court addressed the pending motion of Defendant Lucas to waive jury trial and to sever defendants [Docket 29]. For the reasons stated on the record, the court **DENIED** the motion to waive jury trial. Thereupon, Defendant Lucas, through counsel, moved to withdraw his motion to sever defendants, and said motion to sever defendants was **DENIED AS MOOT**.

The court **DIRECTS** the Clerk to send a copy of this Memorandum Opinion and Order to the defendants and their respective counsel and to the United States Attorney.

ENTER: April 18, 2005

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE